

and the tubes, cartons, and an accompanying circular contained false and fraudulent curative or therapeutic claims.

On December 16, 1936, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 cartons of Nasal Relief at Memphis, Tenn., alleging that it had been shipped in interstate commerce on October 7 and November 7 and 12, 1936, by the W. T. Rawleigh Co., from Freeport, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of menthol, camphor, and chlorobutanol (a derivative of chloroform), incorporated in petrolatum.

It was alleged to be misbranded in that the packages failed to bear a statement of the quantity or proportion of chlorobutanol, a derivative of chloroform, since no statement was made that chloretone is a chloroform derivative. The article was alleged to be misbranded further in that statements regarding its curative or therapeutic effect, on the container labels and cartons and in an accompanying circular, that is, statements in substance and to the effect that it would be effective as a remedy and cure for, and for arresting the progress of nasal catarrh and irritations, discomforts, and disagreeable symptoms of nasal catarrh and of hay fever, falsely and fraudulently represented that the article was capable of producing the effect claimed in such statements.

On February 8, 1937, the W. T. Rawleigh Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26992. Misbranding of Midol. U. S. v. 249, 490, 570, and 321 Packages of Midol. Default decrees of condemnation and destruction. (F. & D. nos. 38823, 38824. Sample nos. 23231-C, 23457-C, 23458-C.)**

This product was represented to be a safe and an appropriate remedy and to be harmless, nonnarcotic, and non-habit-forming. Examination showed that it contained a drug that was deemed to be dangerous, which had narcotic or sleep-producing properties, and which might be habit-forming. The labeling also bore false and fraudulent curative and therapeutic claims.

On December 19, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 819 20-cent packages and 811 50-cent packages of Midol at Baltimore, Md., alleging that it had been shipped in interstate commerce in various shipments between the dates of November 4 and December 1, 1936, by the General Drug Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

The article consisted of tablets the essential ingredients of which were aminopyrine and caffeine. Three samples analyzed were found to contain 4.87, 4.97, and 4.9 grains, respectively, of aminopyrine; and 0.36 grain, 0.39 grain, and 0.4 grain, respectively, of caffeine per tablet.

It was alleged to be misbranded in that the statements, "The comfort afforded by Midol is harmless. Midol is not a narcotic and is not habit-forming", appearing in the circular shipped with it, were false and misleading when applied to an article containing a harmful drug having narcotic or sleep-producing properties and which might be habit-forming when taken as directed. It was alleged to be misbranded further in that the following statements regarding its curative and therapeutic effects and the ingredients and substances contained therein were false and fraudulent and false and misleading, respectively, since the said statements represented that the article was a safe and appropriate remedy when used as directed for the relief of functional menstrual pain and discomfort, headache, and neuralgia; whereas it was not a safe and appropriate remedy for such conditions when used as directed, but was a dangerous drug: (Label on metal container, 50-cent size only) "Take one tablet whole, or broken up with a swallow of water. If necessary a second tablet may be taken in two hours and a third in another three or four hours"; (circular, both sizes) "For the Relief of Functional Menstrual Pain A Boon to Women The discovery of Midol brought a great new relief to women who have suffered from functional pain during the menstrual or monthly period.

Functional menstrual pain and discomfort occur often in young girls and unmarried women and occasionally cause much distress to married women. They may be caused by cold, exposure to bad weather, undue work, or physical activity, minor forms of nervous excitement and spasmodic muscular contractions. Midol usually brings relief promptly in such cases and does not interfere in any way with the natural process of menstruation. The comfort afforded by Midol is harmless. \* \* \* How To Use Midol For the quick relief of pain, headache or other discomfort common to functional menstrual disturbances, take one Midol tablet, whole or crushed, with a swallow of water. If not completely relieved, a second tablet may be taken in two hours, and a third in another three or four hours. Functional Menstrual Pain and Discomfort: These are relieved and comfort thereby promoted, through use of Midol tablets. Headache: Midol relieves most headaches promptly, and the relief it affords is usually prolonged. Neuralgia: The soothing influence of 'Midol' becomes quickly apparent. Midol is a preparation of distinctive merit."

On January 25, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26993. Misbranding of Astyptodyne Cough Syrup and Astyptodyne Ointment. U. S. v. 48 Bottles of Astyptodyne Cough Syrup and 9 Packages of Astyptodyne Ointment. Default decrees of condemnation and destruction. (F. & D. nos. 38818, 38819. Sample nos. 16128-C, 16127-C.)**

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On or about December 17, 1936, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 48 bottles of Astyptodyne Cough Syrup and 9 packages of Astyptodyne Ointment at Charleston, S. C., alleging that the articles had been shipped in interstate commerce—the former on or about November 30, 1935, and the latter on or about November 30, 1936—by the Astyptodyne Chemical Co., from Wilmington, N. C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the cough syrup consisted essentially of syrup and pine oil (1.25 percent), and that the ointment consisted of petrolatum and pine oil (12 percent).

The articles were alleged to be misbranded in that the following statements in the labeling were statements regarding their curative or therapeutic effects and were false and fraudulent: (Cough syrup, carton) "Cough \* \* \* is very healing to the membranes of the throat, \* \* \* Highly recommended in the treatment of coughs, \* \* \* bronchitis, croup, sore throat, whooping cough, and other diseases of the throat and chest"; (bottle) "Cough \* \* \* For Coughs, \* \* \* Sore Throat, Bronchitis, Whooping Cough And Croup"; (circular) "Cough \* \* \* get rid of mucus which clogs the bronchial tubes, \* \* \* to relieve the distressing symptoms of \* \* \* simple Sore Throat, and Catarrhal Bronchitis and Croup due to colds"; (ointment, carton) "For Piles Protruding, Itching and Bleeding"; (tube) "For Piles \* \* \* For Itching Piles \* \* \* For Bleeding and Internal Piles, apply the ointment 'high up' into the rectum \* \* \* For Protruding Piles and other external affections, \* \* \* In every case of Piles, either variety, the bowels must be kept open by the use of salts"; (circular) "For Piles \* \* \* and effective local treatment for itching, bleeding and protruding piles."

On January 12, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26994. Adulteration and misbranding of Stoco for Colds. U. S. v. 69 Bottles of Stoco. Default decree of condemnation and destruction. (F. & D. no. 38847. Sample no. 15764-C.)**

This product contained acetanilid in a proportion less than that stated on the label, which also bore a false and fraudulent representation regarding its curative or therapeutic effect.

On December 21, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the